



P.O. Box 1749
Halifax, Nova Scotia
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Item No. 4
Halifax Regional Council
January 10, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed by Director

SUBMITTED BY: _____
ME Donovan, Director, Legal Services & Risk Management

DATE: December 13, 2011

SUBJECT: Status of By-law Prosecutions – August 1, 2011 – August 31, 2011

INFORMATION REPORT

ORIGIN

Legal Services – Municipal Prosecutions

BACKGROUND/DISCUSSION

This report identifies only those currently active cases where court appearances occurred between August 1, 2011 and August 31, 2011.

BUDGET IMPLICATIONS

There are no budget implications.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

N/A

ATTACHMENTS

Status of By-law Prosecutions between August 1, 2011 and August 31, 2011

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Lynda Gaglardi, Legal Assistant, 490-4227

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 9385 Aug 2/2011 HALIFAX PROVINCIAL COURT	6208 DUNCAN ST HALIFAX	GARY HOUSTON & GRACE DARLENE WARNICA	LAND USE BY-LAW FOR HALIFAX PENINSULA - ALLOW MORE DWELLING UNITS THAN PERMITTED IN A R-2 ZONE	Trial: Feb 7/2012@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13247 Aug 2/2011 HALIFAX PROVINCIAL COURT	NORTH ST & WINDSOR ST. HALIFAX	MARCUS BRADY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Sep 1/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13255 Aug 2/2011 HALIFAX PROVINCIAL COURT	2-5670 MORRIS ST HALIFAX	KATHRYN MARY HARDING	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Oct 11/2011@9:30 HALIFAX PROVINCIAL COURT
Trial 9284 Aug 3/2011 HALIFAX PROVINCIAL COURT	40 CHARLES KEATING DR DARTMOUTH	GEORGES P. HOYECK	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH REQUIREMENT FOR DRIVERS OF TAXI AND ACCESSIBLE TAXI WHILE OPERATING TAXI OR ACCESSIBLE TAXI (FAILED TO PROCEED TO DESTINATION AS DIRECTED BY PASSENGER)	WITHDRAWN
Arraignment 13462 Aug 4/2011 DARTMOUTH PROVINCIAL COURT	112 ARKLOW DR DARTMOUTH	GEORGE E. CROMWELL	BY-LAW W-101 RESPECTING WASTE WATER DISCHARGE - DISCHARGING INTO STORMWATER SYSTEM MATTER (FIRE PLACE ASHES) THAT CAUSES A HEALTH OR SAFETY HAZARD	Trial: Apr 25/2012@1:30 DARTMOUTH PROVINCIAL COURT
Arraignment 13463 Aug 4/2011 DARTMOUTH PROVINCIAL COURT	39 KAREN AVE. FALL RIVER	ERNEST BIGNEY	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Apr 25/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment 13214 Aug 4/2011 DARTMOUTH PROVINCIAL COURT	37A-6 NIVENS AVE DARTMOUTH	ASHLEY ALICE CONTE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	WITHDRAWN
Trial 9341 Aug 4/2011 DARTMOUTH PROVINCIAL COURT	90 BRIGLEYS RD HUBBARDS	DONNA MCEACHERN	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	WITHDRAWN

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 9378 Aug 4/2011 HALIFAX PROVINCIAL COURT	348 PURCELL'S COVE RD HALIFAX	GENE JENSEN & PAULETTE JENSEN	LAND USE BY-LAW FOR HALIFAX MAINLAND - ALLOW A STRUCTURE WITHIN THE 9 METRES OF THE SHORLINE OF THE NORTHWEST ARM; - ALLOW A DWELLING THAT DOES NOT HAVE ON-SITE SEWAGE DISPOSAL AND WATER SERVICES PROVIDED ON THE SAME LOT; - ALLOW A BUILDING THAT IS LESS THAN 8 FEET FROM THE REAR LOT LINE. - A THREE STORY STRUCTURE ON LOT G1. HRM CHARTER - ALLOW DEVELOPMENT WITHOUT FIRST OBTAINING A DEVELOPMENT PERMIT: - SINGLE FAMILY DWELLING ON LOT G2; - DETACHED GARAGE ON LOT G1; - DETACHED GARAGE ON LOT G1;	Adj. Arraignment: Sep 28/2011 HALIFAX PROVINCIAL COURT
Arraignment 9363 Aug 4/2011 HALIFAX PROVINCIAL COURT	153 OLD SAMBRO RD HALIFAX	AMANDA E. PELRINE	BUILDING CODE ACT - DID OCCUPY A BUILDING WITHOUT A PERMIT - DID NOT OBEY AN ORDER.	Adj. Arraignment: Sep 8/2011 HALIFAX PROVINCIAL COURT
Arraignment 13194 Aug 8/2011 DARTMOUTH PROVINCIAL COURT	970 BEDFORD HIGHWAY BEDFORD	RYAN GORDON LORAIN HYSON	LAND USE BY-LAW FOR BEDFORD - ALLOW A HOME OCCUPATION TO OPERATE WITHOUT OBTAINING A DEVELOPMENT PERMIT; - ALLOW THE OUTSIDE STORAGE OF ITEMS ASSOCIATED WITH A HOME OCCUPATION, INCLUDING VEHICLES, TRAILERS, EQUIPMENT AND MATERIAL IN A RTU ZONE.	CHANGE OF PLEA - FINE \$1,000.00
Trial 9302 Aug 8/2011 DARTMOUTH PROVINCIAL COURT	26B KENNEDY DR DARTMOUTH	JOSHUA D. BEALS	HRM CHARTER S. 358(4) - PERMITTING, CAUSING OR CONTINUING TO PERMIT OR CAUSE DANGEROUS OR UNSIGHTLY CONDITION AFTER ORDER TO REMEDY SERVED	IN ABSENCE CONVICTION - FINE \$225.21
Trial 9303 Aug 8/2011 DARTMOUTH PROVINCIAL COURT	109 HADDAD DR SACKVILLE	MAURICE BERRIGAN	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Adj. Trial: Nov 24/2011 DARTMOUTH PROVINCIAL COURT
Trial 9304 Aug 8/2011 DARTMOUTH PROVINCIAL COURT	11 APPLEWOOD LANE DARTMOUTH	PAUL WILLIAM GOLDBERG	BY-LAW S-300 RESPECTING STREETS - ABUTTER FAILING TO MAINTAIN GRASS AREA BETWEEN SIDEWALK AND CURB CLOSELY CLIPPED OR KEPT IN GOOD ORDER	IN ABSENCE CONVICTION - FINE \$225.21

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13334 Aug 9/2011 HALIFAX PROVINCIAL COURT	1815 UPPER WATER ST HALIFAX	CLAUDIO BENIGNO	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH PASSENGER REQUEST TO PROCEED TO PASSENGER'S DESTINATION AS DIRECTED	Trial: Dec 7/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13336 Aug 9/2011 HALIFAX PROVINCIAL COURT	205-86 NELSONS LANDING HALIFAX	SHANE CHRIS KOCHIE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Dec 6/2011@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13321 Aug 9/2011 HALIFAX PROVINCIAL COURT	1815 UPPER WATER ST HALIFAX	BIRHANU G. TOLLA	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH PASSENGER REQUEST TO PROCEED AS DIRECTED	Trial: Dec 5/2011@10:00 HALIFAX PROVINCIAL COURT
Arraignment 13322 Aug 9/2011 HALIFAX PROVINCIAL COURT	1815 UPPER WATER ST HALIFAX	MIR-ASADULLAH HASHEMI	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS AND LIMOUSINES - FAILING TO COMPLY WITH PASSENGER REQUEST TO PROCEED TO PASSENGER'S DESTINATION AS DIRECTED	Trial: Dec 5/2011@10:00 HALIFAX PROVINCIAL COURT
Trial 9305 Aug 10/2011 DARTMOUTH PROVINCIAL COURT	COW BAY	NEIL NAUGLE	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	Adj. Trial: Jun 18/2012 DARTMOUTH PROVINCIAL COURT
Arraignment 13464 Aug 11/2011 DARTMOUTH PROVINCIAL COURT	3 LOUIS CRT DARTMOUTH	SCOTT RUSSELL	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Jun 25/2012@9:30 DARTMOUTH PROVINCIAL COURT
Arraignment 13374 Aug 16/2011 HALIFAX PROVINCIAL COURT	18 GREEN ACRES RD HALIFAX	KIMBERLY ANNE SCHIMMEL	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Jan 13/2012@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13375 Aug 16/2011 HALIFAX PROVINCIAL COURT	18 GREEN ACRES RD. HALIFAX	KIMBERLY ANNE SCHIMMEL	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE; - OWNING UNLICENSED DOG - 3 COUNTS.	Trial: Jan 13/2012@1:30 HALIFAX PROVINCIAL COURT

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Court Appearance	Address	Owner/Defendant	Violation	Status
Arraignment 13376 Aug 16/2011 HALIFAX PROVINCIAL COURT	18 GREEN ACRES DR. HALIFAX	KIMBERLY ANNE SCHIMMEL	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Jan 13/2012@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13415 Aug 16/2011 HALIFAX PROVINCIAL COURT	18 GREEN ACRES RD HALIFAX	KIMBERLY ANNE SCHIMMEL	BY-LAW A-300 RESPECTING ANIMALS - OWNING UNLICENSED DOG	Trial: Jan 13/2012@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13261 Aug 16/2011 HALIFAX PROVINCIAL COURT	1175 WELLINGTON ST HALIFAX	FRASER SHAW WILLSON	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Jan 10/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13333 Aug 16/2011 HALIFAX PROVINCIAL COURT	43 SASKATOON DR HALIFAX	CHRISTINE GRANT	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT RUNS AT LARGE	Trial: Dec 7/2011@1:30 HALIFAX PROVINCIAL COURT
Arraignment 13335 Aug 23/2011 HALIFAX PROVINCIAL COURT	2349 HUNTER ST HALIFAX	CHRISTOPHER L. BRANNAN	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Trial: Dec 19/2011@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13416 Aug 23/2011 HALIFAX PROVINCIAL COURT	POINT PLEASANT PARK HALIFAX	ROBERT RUSSELL	BY-LAW A-300 RESPECTING ANIMALS - OWNING DOG THAT ATTACKS PERSON OR ANIMAL	Trial: Jan 20/2012@9:30 HALIFAX PROVINCIAL COURT
Arraignment 13242 Aug 25/2011 DARTMOUTH PROVINCIAL COURT	389 SPRING AVE DARTMOUTH	GARFIELD FLINT	BY-LAW A-300 RESPECTING ANIMALS - OWNING A DOG WHICH RUNS AT LARGE - 2 COUNTS; - OWNING A DOG THAT ATTACKS A PERSON OR ANIMAL - 2 COUNTS.	Adj. Arraignment: Sep 29/2011 DARTMOUTH PROVINCIAL COURT
Trial 13080 Aug 26/2011 HALIFAX PROVINCIAL COURT	2717 JOSEPH HOWE DR HALIFAX	TERRY MORIER	BY-LAW T-108 RESPECTING THE REGULATION OF TAXIS & LIMOUSINES - OPERATING TAXI OR LIMOUSINE IN VIOLATION OF ZONE RESTRICTIONS	ACQUITTED

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Court Appearance	Address	Owner/Defendant	Violation	Status
Trial 9050 Aug 29/2011 HALIFAX PROVINCIAL COURT	8 HILLWOOD CRES HALIFAX	ROBERT A. MUNROE	BY-LAW N-200 RESPECTING NOISE - ENGAGING IN ACTIVITY THAT UNREASONABLY DISTURBS THE NEIGHBOURHOOD	Adj. Trial: Sep 27/2011 HALIFAX PROVINCIAL COURT
Arraignment 13318 Aug 30/2011 HALIFAX PROVINCIAL COURT	50 B MAIN AVE HALIFAX	ANNETTE BARKHOUSE	BY-LAW A-300 RESPECTING ANIMALS - FAILING TO IMMEDIATELY REMOVE DOG DEFECATION	Trial: Oct 28/2011@10:00 HALIFAX PROVINCIAL COURT
Arraignment 13076 Aug 30/2011 HALIFAX PROVINCIAL COURT	2688 OLD SAMBRO RD WILLIAMSWOOD	RAYMOND SABINE	BY-LAW O-109 RESPECTING OPEN AIR BURNING - CONDUCT BURNING WITHIN 23 METRES (75 FEET) OF A BUILDING; - IGNITE A FIRE WHEN THE WIND VELOCITY MAY JEOPARDIZE THE ABILITY TO CONTROL AND CONTAIN THE FIRE; - ALLOW A FIRE WITHOUT BEING EQUIPPED TO CONTAIN OR EXTINGUISH THE FIRE.	Trial: Dec 14/2011@10:30 HALIFAX PROVINCIAL COURT